



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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November 24, 2021

By ECF

The Honorable Rachel P. Kovner
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Laquana Campos, et al. v. Kilolo Kijakazi,*
Civ. No. 21-CV-5143 (Kovner, J.)

Dear Judge Kovner:

This Office represents Defendant Kilolo Kijakazi, Acting Commissioner of the U.S. Social Security Administration ("SSA") in the above-referenced action commenced by Plaintiffs. *See* Compl., ¶ 1, ECF No. 1. With Plaintiffs' consent, Defendant respectfully requests that her time to answer, move, or otherwise respond to the Complaint be stayed pending judicial resolution of Plaintiffs' pending consolidated motion for a preliminary injunction and provisional class relief ("Consolidated Motion").

By way of background, Plaintiffs challenge an SSA rule change implemented during the COVID-19 pandemic as arbitrary and capricious and seek several forms of relief, including: (1) certification of this matter as a class action pursuant to Rules 23(a) and 23(b)(2); (2) vacatur of the challenged rule as arbitrary and capricious; (3) a declaratory judgment with respect to the challenged rule; and (4) an injunction remedying harms that Plaintiffs perceive with respect to the challenged rule.

On October 22, 2021, Plaintiffs notified the Court that they intended to file the Consolidated Motion and had reached an agreement with Defendant regarding a proposed briefing schedule. *See* ECF No. 8. The Court granted the request for a Consolidated Motion and endorsed the following briefing schedule: (1) Plaintiffs may serve the Consolidated Motion on Defendant by October 26, 2021; (2) Defendant may serve a response on Plaintiffs by January 11, 2022; (3) Plaintiffs may serve a reply on Defendant, if any, by February 10, 2022; and (4) the parties shall file all documents associated with the fully-briefed Consolidated Motion with the Court by February 10, 2022. *See* Oct. 25, 2021 Minute Entry.

Defendant respectfully submits that staying her answer during the pendency of litigation over the Consolidated Motion would conserve the Court's resources as well as the parties' resources. Specifically, the issues before the Court may be narrowed once the Consolidated Motion is fully briefed and the Court has rendered a decision, which would inform Defendant's answer or response. As noted above, Plaintiffs consent to Defendant's request to stay her time to answer,

move, or otherwise respond to the Complaint. This is the first request to stay the deadline to respond to the Complaint.

Respectfully submitted,

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